

Resolution No.: 17-710
Introduced: April 2, 2013
Adopted: April 2, 2013

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: DOT Docket No. AB730
Abandonment – Portion of Rollins Avenue
Halpine Subdivision, Rockville

Background

1. By letter dated February 6, 2012 from Lerch, Early & Brewer on behalf of its client, 12401 Twinbrook Parkway Associates, the Applicant, a request was made for the County to abandon a portion of Rollins Avenue in the Halpine Subdivision of Rockville. The portion of Rollins Avenue right-of-way for which abandonment is sought adjoins property owned by the Applicant or its partners.
2. A Public Hearing to consider the abandonment proposal was held on May 16, 2012 by the designee of the County Executive.
3. Verizon objected unless an easement is granted for its facilities.
4. Washington Gas did not respond within 60 days, and therefore, concurrence is presumed.
5. Washington Suburban Sanitary Commission had no objection.
6. PEPCO has facilities and therefore, requires that Applicant grant easements and/or at Applicant's sole expense relocate the facilities and grant easements.
7. The Montgomery County Planning Board advised that it has no jurisdiction over zoning and rights-of-way within the corporate limits of the City of Rockville. However, the Board recommended approval of the abandonment with the following recommendations: 1) the Applicant must re-plot the right-of-way to establish the new land owners, and 2) Unless the abutting properties are consolidated into a single lot at the time of re-platting, the Applicant must enter into an access easement prior to any record plat which implements the abandonment in order to maintain any existing utilities (including stormwater management facilities) and travel to/from the existing abutting properties.
8. The Department of Transportation (DOT) recommended approval conditioned upon: 1) the Applicant must grant easements for the maintenance of public storm drainage facilities and any public utilities affected and/or relocate these facilities and grant

easements over the relocated facilities; 2) anyone acquiring County right-of-way must pay fair market value for that portion of the right-of-way owned in fee by the County; and 3) Applicant must file a new record plat assembling any right-of-way abandoned except the right-of-way owned by Montgomery County in fee simple.

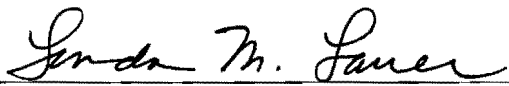
9. The Montgomery County Fire and Rescue Service advised that any associated development plan must meet the requirements for vehicular access of the City of Rockville Fire Department.
10. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
11. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that a portion of Rollins Avenue from Chapman Avenue to the CSX right-of-way as shown on the attached Tax Map GQ 563 in the Halpine Subdivision of Rockville proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment subject to the following conditions which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. The Applicant must grant easements for the maintenance of public storm drainage facilities and any public utilities affected and/or relocate these facilities and grant easements over the relocated facilities;
2. The Applicant must pay fair market value to the County for that portion of the right-of-way owned in fee simple by the County;
3. The Applicant must file a new record plat assembling any rights-of-way to be abandoned except the right-of-way owned by the County in fee simple;
4. The abandonment is conditioned upon Applicant's compliance with any conditions imposed by the Montgomery County Planning Board;
5. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area; and
6. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.


Linda M. Lauer, Clerk of the Council

Tax Map GQ 63

G 6

GR 561

